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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,517	10/24/2003	Bernard J. Patsky	UTL 03-032	9868

7590 01/31/2006

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EXAMINER

BLAU, STEPHEN LUTHER

ART UNIT

PAPER NUMBER

3711

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No.		Applicant(s)	
	10/692,517		PATSKY, BERNARD J.	
	Examiner		Art Unit	
	Stephen L. Blau		3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 1,2,6-16 and 18-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-5 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Non-compliant Letter

1. The Notice of Non-compliance of an amendment dated 11 July 2006 was in error. The examiner could not find the errors in the amended dated 16 June 2005 as stated in this notice. As such an examiner's action follows.

Claim Rejections - 35 USC § 112

2. The changes to claims 4 (line 1) and 17 (line 2) are agreed with and the rejections under 35 U.S.C. 112, second paragraph, are removed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan in view of Duclos, Jessen and Kobayashi.

Ryan discloses a golf club with an alignment line which takes into account downward bowing of a shaft and a golfer's visual parallax error (abstract, Col. 1, Lns. 19-25, 29-35), sweet spot markings, a marking extending from a point at the intersection of the face surface and the top surface (Fig. 5), a reference line on a drawing showing non-corrected target lines and corrected lines (Figs. 2, 3, 5), and a bending correction being dependant on the composition of a shaft and the speed of a golfer's swing (Col. 3, Lns. 40-50). Ryan does not disclose have markings on a head for a non-corrected target marking but clearly an artisan skilled in assisting a golfer in aligning a club to a ball would have selected a suitable marking arrangement in which having both the non-corrected marking and a corrected marking as shown by the reference lines in figures 2-3 and 5 is included.

Ryan lacks a grip, sweet spot target line markings, a line extending from a point at the intersection of the face surface and the top surface, lines on a head showing non-corrected target lines and corrected lines, an increased width line on a top surface ending at a point at the intersection of the top surface with the bottom surface, a center of gravity located behind a sweet spot, and an corrected alignment line with takes into account only a golfer's visual parallax error. Duclos discloses corrected alignment markings to a sweet spot which only take into account a golfer's visual parallax error for a wood type club (Col. 1, Lns. 17-52, Col. 2, Lns. 3-5, Col. 3, Lns. 37-50, Col. 4, Lns. 14-35). Jessen discloses a golf club having a grip (Fig. 2), an alignment marking (Ref. No. 15, Col. 2, Lns. 20-28) being in the form of a broad line on a top surface (Fig. 6) extending from a point at the intersection of the face surface and the top surface and a line on a head showing non-corrected target line (Fig. 6). Kobayashi discloses a head having a top surface intersection in a rear of a head with a bottom surface (Fig. 2) and center of gravity

located behind a sweet spot (Col. 2, Lns. 44-53) in order to increase distance of flight of a ball with improved directing performance (Col. 2, Lns. 59-62).

In view of the patent of Duclos it would have been obvious to modify the club of Ryan to have a corrected alignment marking to a sweet spot which only takes into account a golfer's visual parallax error and not shaft bending in order to provide a club to a player with a swing strength which places very little or no bow on shaft either due to the stiffness of the shaft and/or the weakness of a player and in order to minimize the fitting process of a club to a player by only focusing on the visual error of a club and not the error induced by the bending of a shaft.

In view of the patent of Jessen it would have been obvious to modify the golf club of Ryan to have a grip in order to minimize the vibrations felt by a player. In view of the patent of Jessen it would have been obvious to modify the golf club of Ryan to have increased width lines on a top surface ending at a back end of a top surface showing a corrected target line in order to utilize a parallax corrected line instead of an arrow marking to assist a player in properly aiming a head who prefers a line while playing a round of golf.

In view of the patent of Kobayashi it would have been obvious to modify the head of Ryan to have a top surface intersect with a bottom surface in order to use the advantages of parallax correction for an alignment of a club for a head which has a bottom surface which intersects with a top surface at a rear end. As such a line on a top surface would end at a point at the intersection of the top surface with the bottom surface. In view of the patent of Kobayashi it would have been obvious to modify the head of Ryan to have a center of gravity located behind a sweet spot in order to increase distance of flight of a ball with improved directing performance.

It would have been obvious to modify head of Ryan to have both lines on a head showing a non-corrected target line and a corrected line in order to assist a player in showing a player or a golf manufacturing company how severe a ball is misaligned from a sweet spot by not having a parallax correction alignment marking and the need to have a parallax corrected alignment.

With respect to claims 4-5 and 17, very little weight is given to the method steps of how the parallax corrected target line is made on the head since this is an apparatus claim and not a method claim. Weight is given to what an apparatus is and not how it is made. The club due to the combination of the teachings of Ryan in view of Duclos, Jessen and Kobayashi is the same product as that claimed in claims 4-5 and 17.

Response to Arguments

5. The argument that Ryan locates the impact center not based on the actual balance point but based on the correction for the bowing of the shaft in a dynamic swing state is agreed with. As such the examiner has added the reference of Duclos to show that it is known to only have a corrected alignment line which takes into account only a golfer's visual parallax error and not shaft bending error. As such a new ground of rejection is made and this action is not made final. The argument that it is improper to use the reference of Jessen due to Jessen is not being a club but an instruction device is disagreed with. Jessen clearly states that this apparatus is a club (Col. 2, Lns. 4-6). The argument that it is improper to use the reference of Kobayashi due to Kobayashi never uses the term top surface or bottom surface is disagreed with. Clearly figure 2 shows a bottom surface and a top surface. Just because certain terms are not used does not mean

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features are not present. There are many perspectives in defining an object as from the top or bottom or even the back. Since in figure 2 there is a peak in the curve it seems that one can say the bottom surface intersects with the top surface at the peak when looking at the head from the side as shown in figure 2.

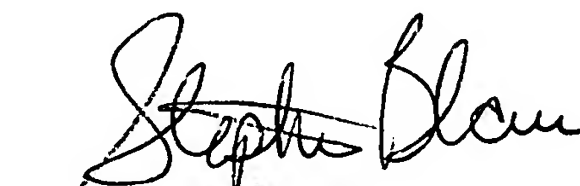
Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen L. Blau whose telephone number is (703) 308-2712. The examiner can normally be reached on Mon - Fri 10:00 AM - 6:30 PM:

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell can be reached on (703) 308-2126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SLB/25 January 2006


STEPHEN BLAU
PRIMARY EXAMINER